

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

DERICK JOHNSON,

Defendant.

No. 02-CR-1435 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

The Court is in receipt of Defendant Derick Johnson's request that the Court reconsider releasing him to home confinement in light of a COVID-19 outbreak at the Metropolitan Detention Center ("MDC") in Brooklyn, where he is housed. (See dkt. no. 419; dkt. no. 419-1.)

This is not Mr. Johnson's first motion for a sentence reduction. On April 27, 2020, Mr. Johnson filed a motion for compassionate release based on the ongoing COVID-19 pandemic and his "chronic asthma." (Dkt. no. 400 at 3.) The Court denied that motion, finding, inter alia, that Mr. Johnson would pose a danger to the community if released. (See id. at 5-6.) In so holding, the Court observed that Mr. Johnson (1) had "committed an incredibly serious and violent offense as a gang member, involving the possession and distribution of a substantial quantity of drugs and the possession of a dangerous weapon that was used to murder William Ragland," and (2) had "been disciplined on numerous occasions" while in BOP custody. (Id.)

Considering those findings, the Court determines that, even if the COVID-19 outbreak at the MDC constitutes "extraordinary and compelling reasons" warranting release, those considerations are outweighed by Mr. Johnson's continued danger to the community if released. Accordingly, Mr. Johnson's motion for reconsideration [dkt. no. 419] is DENIED. The Clerk of the Court shall (1) close the open motion and (2) mail a copy of this order to Mr. Johnson.

SO ORDERED.

Dated: January 12, 2021
New York, New York



LORETTA A. PRESKA
Senior United States District Judge